

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>		1. CONTRACT ID CODE	PAGE OF PAGES 1 2
2. AMENDMENT/MODIFICATION NO.  M361	3. EFFECTIVE DATE  SEE BLOCK 16C	4. REQUISITION/PURCHASE REQ. NO.  NO PR	5. PROJECT NO. (IF APPLICABLE)
6. ISSUED BY CODE  U.S. Department of Energy Consolidated Business Center West Valley Demonstration Project 10282 Rock Springs Rd., P.O. Box 191 West Valley, NY 14171		7. ADMINISTERED BY (IF OTHER THAN ITEM 6) CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State, and ZIP Code)  West Valley Nuclear Services Co. LLC 10282 Rocks Springs Rd. West Valley, NY 14171		9A. AMENDMENT OF SOLICITATION NO.  9B. DATED (SEE ITEM 11)	
CODE		10A. MODIFICATION OF CONTRACT/ORDER NO.  DE-AC24-81NE44139  10B. DATED (SEE ITEM 13)  August 24, 1981	
FACILITY CODE			

### 11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning \_\_\_\_\_ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (IF REQUIRED)

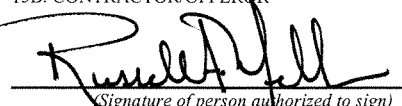
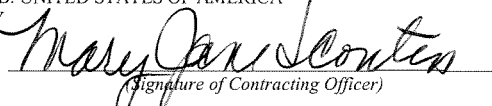
### 13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(✓)	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO (SPECIFY AUTHORITY) THE CHANGES SET FORTH IN ITEM 14 AND MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT OF AUTHORITY OF: 41 U.S.C 253. (c)(1) P. L. 95-91
	D. OTHER (SPECIFY TYPE OF MODIFICATION AND AUTHORITY)

**E. IMPORTANT:** Contractor [ ] is not, [X] is required to sign this document and return 3 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible).

Except as provided herein, all terms and conditions of the document in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or Print) Russell A. Mellor, President		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or Print) MARYJANE SCOUTEN	
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED 12/01/05	16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)	16C. DATE SIGNED 12/1/05

The purpose of this Modification (M361) is to revise Performance Incentive RHWF-1

- A. Performance Based Incentive (PBI) RHWF-1 is hereby deleted and replaced with the attached PBI RHWF-1
- B. Section J, Contract Performance Evaluation Management Plan (PEMP), is hereby revised to delete current PBI RHWF-1 and incorporate attached revised PBI RHWF-1 dated September 19, 2005
- C. All other terms and condition of the contract remain unchanged and in full force and effect.

ORIGINAL 2

# **PERFORMANCE INCENTIVE**

## **Section I - General Information**

**Performance Incentive Short Title:** Inspect and ensure safe configuration of Mixed Waste (MW) in Chemical Process Cell/Waste Storage Area (CPC/WSA), Process Remote Handled Low Level Waste (LLW), and Dispose of LLW with a Pathway for Disposal

**Incentive Number:** RHWF-1

**Rev.** 1b

**Date:** 9/19/05

## **Section II - Accounting Information**

**Initial Budgeted Cost of Work Scheduled (BCWS) under this Incentive:** \$6,300,000.00

**Maximum Available Fee Allocated to this Incentive:** \$450,000.00

**Performance Baseline System (PBS)/Work Authorization (Directive) (WA (D)/Program Control Document No.** PBS OH-WV-13

**Work Breakdown Structure (WBS) Element No(s).** WH06100

## **Section III - Incentive Information**

**Incentive Type:** Baseline ☒ Stretch ☐ Super stretch ☐ Gateway ☐ Multi-year ☐

**Degree of Difficulty:** High ☒ Medium ☐ Low ☐

**Duration:** Annual ☒ Multi-year ☐

**Fee Payment Type:** Completion ☒ Progress ☐ Provisional ☐

## **Section IV - Performance Expectation and Measurement**

**Short Title:** Inspect and ensure safe configuration of MW in the CPC/WSA, process RHWF LLW, and Dispose of LLW with a pathway to disposal.

**1. Description:** Complete all necessary activities to inspect and ensure the safe configuration of MW in the CPC/WSA, process remote handled LLW, and dispose of LLW with a pathway to disposal.

**2. Cost Constraint/Incentive:** All work associated with this performance incentive shall be completed within the applicable cost account planning report.

**3. Gateway:** None.

**4. Completion:** Completion shall be no later than December 31, 2005. Confirm the safe configuration of all MW containers in the CPC WSA. Four (4) mixed waste jumper boxes will be processed through the RHWF in accordance with the approved RHWF Integrated Run Plan to meet either the WIPP Waste Acceptance Criteria (final WAC for CH TRU and Draft WAC for RH TRU) in accordance with current WVDP LLW waste management procedures. Dispose of all LLW generated prior to 11/1/05 that has a pathway for disposal, including approximately 1800 CF of waste containers.

**5. Completion Documents List:** Documentation of the waste volumes removed and processed, related container data records and disposal facility receipt documentation will be submitted to DOE -OH/WVDP for information and verification.

**6. Technical Boundary Conditions:** The work will be performed in accordance with WVNSCO procedures governing waste packaging, characterization, storage and shipping. Generation of waste without a pathway for disposal shall be minimized and packaged in as few containers as safely possible, prior to storing the waste in either the CPC/WSA or the Lag Storage System.


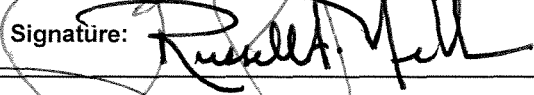
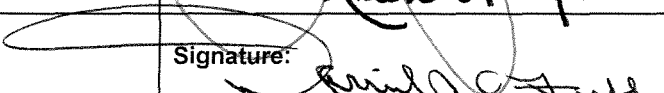
**7. Assumptions:** No waste addressed under this incentive may be used to fulfill any requirements under any other incentive. All work shall be done in accordance with contract requirements and in full compliance with ISMS and ESH requirements.

**Definitions:** Known mixed waste container ID numbers include J1, J2, J3, J4, J5, J6, J7, J8, J9, J10, J11, J12, JC5/7E-8/3E-1, TC-193, SURPAK's 3, 6, 8, 10, 28, 32, 35, 37, 38

**Earnings Schedule Fee** is payable upon completion and acceptance by DOE. Incremental or partial payments of fee are not approved for this incentive

**Fee Available:** \$450,000.00

## **Signatures:**

DOE Project Director	Signature: 	Date: 9/29/05
Russell A. Mellor, President, WVNSCO	Signature: 	Date: 9/29/05
Derrick Franklin, Contracting Officer	Signature: 	Date: 11/3/05

